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Minutes of the Regular Meeting
of the
San Luis Obispo County Planning Commission
Thursday, October 13, 2005

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Minutes of the Regular Session of the County Planning Commission held in the Board of Supervisors Chambers, County Government Center, San Luis Obispo, CA, at 8:45 a.m.

PRESENT: Commissioners Bruce Gibson, Penny Rappa, Eugene Mehlschau, and Sarah Christie

ABSENT: None

**STAFF
PRESENT:** John Euphrat, Principal Planner/Long Range Planning
Martha Neder, Planner
Terry Wahler, Planner/Long Range Planning
Matt Janssen, Supervising Planner/Coast/Curr.
John Hofschroer, Planner/Long Range Planning
John Nall, Principal Environmental Specialist
James Caruso, Planner, Current Planning/Inland

**OTHERS
PRESENT:** Jim Orton, County Counsel
Tim McNulty, County Counsel
Mike Goodwin, Public Works

The meeting is called to order by Chairman Roos.

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of October 13, 2005, together with the maps and staff reports attached thereto and incorporated therein by reference.

FLAG SALUTE	
PUBLIC COMMENT	No one coming forward
PLANNING STAFF UPDATES	John Euphrat, staff, discusses study sessions, dates of sessions, 'Community 2050' workshops locations, and Planning Commissioner's retreat with tentative dates.
CONSENT AGENDA	
Commissioners Gibson, Christie, and Chairman Roos	Request clarification on Item e. in reference to the area of the parcel, which was excluded from the Farmland Security Zone. Discuss a review of the Farmland Security Zone, winery, tasting room, 30 acre usage, Williamson Act, and applications for said program

Terry Wahler, staff	Clarifies and reviews conditions of the Farmland Security Zone. States the contracts on the properties are maintained at 20 year intervals and for added restrictions they receive an added 35% reduction in the evaluation base for the property that is put under contract. Refers to maps and clarifies property is mostly vineyard, and qualifies for the Farmland Security Program. Clarifies the property not in the vineyard was excluded from the program for future flexibility in the use of that land due to concerns regarding the Laird Bill which provides restrictions on what is allowable under contracted land. States this has been reviewed with County Counsel and in review of the code finds there is no requirement to have entire parcel under contract.
Commissioner Gibson	Requests staff clarify 30 acres carved out of parcel which the staff report indicates is to be part of a winery. Requests clarification on a tasting room, which is a separate use from the winery.
Terry Wahler, staff	Clarifies the applicant indicated he wanted to do agricultural processing in the form of a winery which is currently allowable under the rules of procedure. Clarifies the tasting room is related.
Commissioner Christie	Interprets the staff report as wineries being allowed in the land use category and under the Williamson Act. Requests clarification on the 30 acres carved out that is not covered under the Williamson Act.
Terry Wahler, staff	Clarifies applicant's concern regarding how the Laird Bill would be interpreted and the changes that might occur during the contract period which lasts for 20 years. States the property owner has apprehensions over how the property would then be limited. States rules of procedure changes are currently being reviewed.
Commissioner Christie	Discusses intentions of the Laird Bill.
Jim Orton, County Counsel	States there is nothing in the law that prohibits property owners from putting portions of their property under contract. States a portion of property that is under contract must comply with state law. States the Agricultural Preserve Review Committee and the Board of Supervisors may be considering additional rules changes.
Commissioner Gibson	Requests clarification on entire parcel being put under the Farmland Security Zone and questions if the winery's use would be acceptable.
Terry Wahler, staff	States the property owner currently would not be violating any rules of procedure and would be able to exercise discretion on the particulars of the use. States the contract would not restrict the property owner from putting in a winery.
MOTION	Matter is fully discussed and thereafter, on motion of Commissioner Gibson, seconded by Commissioner Christie, and unanimously carried, to separate Consent Item e. from the Consent Agenda for further discussion.

Thereafter, on motion by Commissioner Mehlschau, seconded by Commissioner Rappa and unanimously carried, to approve the Consent Agenda, omitting Item e. as follows:

- a. **AGP2004-00014.** Proposal by Peter Harrison to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The project site is approximately 106 acres within the Agricultural land use category and is located at 8490 Carrisa Highway one mile from the intersection of Bitterwater Road and Highway 58, approximately 4.5 miles west of the community of California Valley. The site is in the Shandon-Carrizo planning area. ASSESSOR PARCEL NUMBER 072-301-002 and 072-301-017, SUPERVISOR DISTRICT 5
- b. **AGP2004-00015.** Proposal by Paul Page to establish an agricultural preserve to enable the applicant to enter into a land conservation contract. The project site is approximately 120 acres within the Agricultural land use category and is located at 855 Cuyama Highway one mile from the intersection of Route 166 and Route 33. The site is in the Shandon-Carrizo planning area. ASSESSOR PARCEL NUMBER 096-441-039 and 040, SUPERVISOR DISTRICT 5
- c. **AGP2004-00023.** Proposal by John and Mary Donati to establish an agricultural preserve to enable the applicants to enter into a land conservation contract. The project site is 166 acres within the Agricultural land use category and is located at 7137 Webster Road one mile from the intersection of La Panza Road and Highway 58, approximately 10 miles east of the community of Creston. The site is in the Shandon-Carrizo planning area ASSESSOR PARCEL NUMBER 037-381-007, SUPERVISOR DISTRICT 5
- d. **AGP2004-00024.** Proposal by Don Severa to alter the boundaries of an agricultural preserve and contract by adding approximately 120 acres. The project site is located on Dover Canyon Road approximately 1.4 miles north of the intersection of Dover Canyon Road and Highway 46, approximately 6.2 miles west of the community of Templeton. The site is in the Adelaida Planning Area. ASSESSOR PARCEL NUMBERS: 014-231-004, 016, 017, 021 & 022, SUPERVISOR DISTRICT 1.
- e. **AGP2004-00027.** Proposal by Carrasco Properties LP to alter and expand the boundaries of an agricultural preserve and, establish a Farmland Security Zone to allow the applicant to enter into a Farmland Security Zone contract. The project site consists of 160 acres within the Agricultural land use category and is located at the southwestern corner of Highway 46 and Geneseo Road approximately 3.0 miles east of Paso Robles. The site is located in the El Pomar Estrella planning area. ASSESSOR PARCEL NUMBER 051-041-013, SUPERVISOR DISTRICT 1

MOTION	Thereafter, on motion of Commissioner Gibson, seconded by Commissioner Christie to recommend to the Board of Supervisors (BOS) denial of Consent Item e. based on it's current configuration, on following role call vote: Ayes: Commissioners Gibson, Christie, and Rappa; Noes: Commissioner Mehlschau, and Chairman Roos.
Discussion	
Commissioner Christie	Expresses her concern regarding the exclusion of parcel under the Williamson Act.
Terry Wahler, staff	Discusses Laird Bill and Farmland Security Bill.
Jim Orton, County Counsel	Discusses Residential/Commercial land use category, and penalties under the Laird Bill.
1. COUNTY OF SAN LUIS OBISPO / NORTH COAST AREA PLAN	This being the time set for a continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO TO 1) update and amend the Cambria and San Simeon Acres community plan portions of the NORTH COAST AREA PLAN (Part II of the Land Use Element and Local Coastal Plan, and part of the Circulation Element). The area plan is being updated to reflect current land use, transportation, population, environmental, and economic conditions and community desires within the communities of Cambria and San Simeon Acres. The communities of Cambria and San Simeon Acres are located within the North Coast Planning Area of San Luis Obispo County. This planning area is bounded by the Monterey/San Luis Obispo County Line to the north, Point Estero to the south, and to the east the Coastal Zone boundary below the main ridge or the Santa Lucia Range. The update includes a number of changes to goals, policies, programs, land use categories, combining designations, and planning area standards; 2) amend the Cambria Design Plan by a) revising and moving development standards to the area plan; and b) modifying various guidelines including those related to lighting and the Moonstone Beach Drive streetscape; and 3) amend the Coastal Zone Land Use Ordinance , Title 23 of the San Luis Obispo County Code; Sections 23.05.050 and 23.06.100 regarding water quality and drainage; Section 23.05.062 regarding tree removal; Section 23.07.170 regarding development within or adjacent to environmentally sensitive habitats; and Section 23.07.172 regarding mineral extraction in wetlands. County File No. LRP2004-00024. Supervisorial District 2.
Chairman Roos	Discusses letter received from Clyde Warren.
Martha Neder, staff	Discusses EIR copies, proposed changes to the coastal zone Land Use Ordinance, Cambria Design Plan, and proposed changes thereof.
PUBLIC COMMENT	
Anne Wyatt	Chairman of the North Coast Advisory Council has no comments.
Chairman Roos	Discusses letter from Joy Fitzhugh regarding runoff of landscaping from school.
Martha Neder, staff	States she needs to review the letter from Joy Fitzhugh before responding.
Commissioner Gibson	Discusses the Fitzhugh letter and refers to Section 3. a. of the coastal zone Land Use Ordinance. Would like to add "agricultural lands" at the end of the paragraph

Commissioners and staff	Requests clarification on section 4. a. as to not having a biological report on the property, with staff responding. Discussion ensues regarding not requiring biological reports on standard applications. Standards discussed regarding planning area standards. Verbiage discussed regarding area standards. Biological review in ESHA discussed.
Chairman Roos	Discusses biological reports having to be paid for by the property owner.
Commissioners and staff	Discuss Section 4. a. No. 3 as opposed to No. 1 with staff's clarification.
Tim McNulty, County Counsel	Discusses enforcement action and the permitting process. Discusses language to be added to requirements and penalties.
Commissioner Christie	Proposes adding language to Section 4. a. (6), Off site mitigation.
County Counsel, Commissioners, and staff	Discuss language being brought back regarding enforcement actions.
Commissioners	Discuss mitigation number ratios, disincentives, and defer to code enforcement for ratio information.
Art Trinidad, staff, and Commissioners	Discuss code enforcement, administrative and legal compliances applicants need to be aware of. Discuss penalties for violations, mitigations regarding denying projects. 3 to1 minimum ratio for off site mitigation discussed as being the standard, raising maximum penalties also discussed.
Martha Neder, staff	Discusses proposed language for ratios. Consensus met on Section 4.
Commissioners and staff	Discuss un-mapped and mapped ESHA in Section 5 with staff responding. Diversion dams and supply wells language discussed
Martha Neder, staff	Proposes striking language in Section 5, No. 3 regarding steelhead trout, with consensus reached in agreement of proposal.
Commissioners and staff	Discuss Section 6, No. 1. language regarding it 's intent and how it would be interpreted, language change proposed.
Commissioners and staff	Discuss Cambria Design Plan, historical center, and new Figure 16 handout
Greg Sanders, President, Cambria Community Services District (CCSD)	Discusses presentation referring to the CCSD's Build out Reduction Program
Bob Gressons, District Engineer for CCSD	Presents 'Power Point' presentation.
Steve Byne, RBF	Presents overview of mapping and data analysis of lot reduction program.
Tammy Ruddock, CCSD Manager	Presents 'Preliminary Build out Reduction Toolbox' presentation.

Bob Gressons, District Engineer for CCSD	Discusses lot consolidation ordinances, voluntary lot mergers, water code 350 moratorium, lot retirement, tree mitigation, and acquisition of lots.
Commissioner Christie and Bob Gressons	Discusses affordable housing units, water taken out of allocation for commercial uses, and how it affects absorption ratio.
Greg Sanders, Chairman CCSD, and Commissioners	Discuss water regarding multi family and affordable housing, existing service commitments, water master plan, certification of EIR, and visitor servicing usage.
Commissioner Gibson	Discusses CCSD's goal of 4,650 ratio.
Commissioners, Greg Sanders, and staff	Discuss 7000' square foot lot size as presented by the CCSD vs. the current county standard minimum lot size as being 6000 square feet, and lot consolidation.
Commissioner Gibson	Would like to discuss cap, and suggested build out.
Commissioner Christie	Requests clarification on recent newspaper article regarding CCSD's potential purchase of lots, and what would happen to lots with retired water meters on them.
Steve Byne, RBF Consulting	Discusses purchase of lots.
Art Montana, District Counsel for CCSD	States the CCSD will not use eminent domain to attain lots. Clarifies how CCSD will acquire lots.
Martha Neder, staff	Discusses how CCSD's build out reduction plan works with the county's build out reduction plan.
Commissioners, and staff	Discuss lot reduction from county and CCSD's build out reduction plans, land trusts to purchase lots for CCSD, mitigations required for CCSD, and the decreased development alternative.
John McGary	Member of Cambria Fire Safe Committee. Discusses CCSD's meeting regarding discussion about the build out reduction program.
Bill Warren	Residents of Cambria in favor for CCSD's proposed reduction plan.
Anne Wyatt, North Coast Advisory Council	States this community plan is not the place for the no. 4650 to appear. States there is no clear plan for this to happen. Discusses draft of plan and the limitations of building. States the council has not met to discuss build out reduction plan due to the lack of figures being provided.
Commissioner Christie	Discusses revisiting the growth cap of Cambria.
Randy Sabin, staff	Discusses problems with complaints of the Courtesy Inn Motel in San Simeon. States units were rented out in excess of the current 29 day standard. States conditions of approval for motels are adequate.
Tim McNulty	Discusses standards regarding motel use and length of stays.

County Council	
Randy Sabin, staff	States the ratio of units for employee housing are 2 to 4. Enforcement would be difficult to uphold. States if conditions of approval specifically stated the number of units to be occupied would be easier to check for compliance.
Martha Neder, staff	Clarified what 2000 lumens are as requested by Commissioner Christie at the 9/26/05 PC meeting. Provides handouts regarding approved language for The Cambria/San Simeon Acres Community plans.
Commissioners	Consensus agreed upon regarding proposed language change given in handout.
John Euphrat, staff	Provides timelines of items that can be resolved regarding this issue before lunch.
Martha Neder, staff, and Commissioners	Discusses growth management and allocation of residential permits, desalination plant being put on line, proposed build out rate, and assessment of resources.
Chairman Roos	Discusses countywide allocation standards as opposed to Cambria's needs being different.
Commissioners	Discusses growth rate Cambria can absorb with constraints, 1% percent growth rate, and proposes this plan discontinue county's practice to allow building allocation permits once the desalination plant is on line. Growth Management allocation list discussed.
Chairman Roos	Discusses how long the process of approval through the Board of Supervisors and California Coastal Commission would take this plan to be implemented once it was approved.
Commissioners and staff	Growth Rate Plan approval process discussed
Tim McNulty, County Counsel	Discusses current growth management ordinance, which does not have any overview by the California Coastal Commission. States the Board of Supervisors reviews growth rate of different communities. LCP amendment would be required to amend growth rate.
Commissioner Gibson	Proposes to replace language addition to Paragraph 2 "Growth Management and Allocation of Residential Permits.
Greg Sanders, Chairman CCSD	Is in agreement with Commissioner Gibson's proposed language.
Commissioners and staff	Discussion regarding proposed language for Growth Management & Allocation of Residential Permits.
MOTION	Thereafter on motion by Commissioner Gibson, seconded by Commissioner Rappa, and unanimously carried, to accept staff's recommended language replacement for the Community Wide Growth Management Allocation to Residential Permits.
AMENDING MOTION	Thereafter on amended motion by Commissioner Christie to include that "once the moratorium is lifted that the growth rate in Cambria be no greater than one percent". The amended motion dies for lack of second. Thereafter on motion by Commissioner Gibson. seconded by

	Commissioner Rappa, and unanimously carried, to accept staff's recommended language replacement for the Community Wide Growth Management Allocation to Residential Permits.
2. MICHAEL CLARK / D990323D	This being the time set for hearing from MICHAEL CLARK to request a third time extension for Development Plan (D990323D) ; a proposal to construct a 33-room senior care facility with centralized kitchen, dining and other on site facilities. The structure is approximately 18,000 square feet including 10,000 sq. ft. on the lower story and 8,000 sq. ft. in the upper floor. The applicant further proposes to include 23 parking spaces at the front of the facility. In addition, recreational areas, landscaping and water storage (cistern) are located in the exterior of the building. The site is located at the intersection of Green and Ardath Streets, just south and west of Londonderry Street in the community of Cambria in Supervisorial District Number 2. (APN 024-191-052;056;057;058;059). Staff recommends approval of the third time extension to be valid until August 23, 2006 for this Development Plan Permit based on findings in Exhibit A that carry over the original findings and conditions as amended by resolution, and attached to this staff report.
James Caruso, staff	Presents request for a third time extension
Chairman Roos	Discusses level of certification needed for an Alzheimer's care facility.
Commissioner Gibson	Land use categories discussed.
PUBLIC COMMENT	
Michael Clark, applicant	States this was originally an assisted living facility, and then turned into a skilled nursing facility. Discusses floor plan changes.
Commissioners	Requests clarification for the lapse of four years to this point to request this time extension.
Michael Clark, applicant	States there have been setbacks with other agencies, and many other setbacks that are too in depth to go into here.
Commissioners and applicant	Discuss the lots applicant purchased and any proposals for future development. Increase in size of project discussed as opposed to the existing old development plan.
Commissioner Christie	Discusses suitability of the site, it being so close to Highway 1.
Commissioner Rappa	Requests clarification on revision of plans
James Caruso, staff	Clarifies substantial conformance to applicants' proposal.
Commissioner Christie	States she has no reference to findings of the old staff report to make a determination. States she has view-shed issues for this project and cannot make finding number five.
Commissioner	States he appreciates concerns and has no problem with how the project is

Mehlschau	proposed and the current time extension.
Chairman Roos	States he will support the time extension.
Commissioner Gibson	Discusses his concern regarding the "circumstances beyond" applicant's control.
MOTION	Thereafter on tentative motion by Commissioner Christie, seconded by Commissioner Gibson, to deny the project, fails on the following roll call: Ayes: Commissioner Christie, and Commissioner Gibson. Noes: Commissioner Rappa, Commissioner Mehlschau, and Chairman Roos.
MOTION	Thereafter on motion by Commissioner Mehlschau, seconded by Commissioner Rappa, and carried to approve the third time extension based on the Findings in Exhibit A, and carry over the original findings and conditions as amended by resolution, and on the following role call: Ayes: Commissioner Mehlschau, Commissioner Rappa, and Chairman Roos. Noes: Commissioner Gibson, and Commissioner Christie.
3. WESTPAC INVESTMENTS / SUB2004-00001	<p>This being the time set for hearing to consider a request by WESTPAC INVESTMENTS for a Vesting Tentative Tract Map (Tract 2659) and Conditional Use Permit to subdivide an existing 41.6-acre parcel into 74 parcels to be phased in 3 stages. 66 parcels are proposed for residential development that vary in size from 4,019 square feet to 7,637 square feet; 3 parcels are proposed for mixed use and live/work development of 16,721, 18,757, and 98,726 square feet each; 3 parcels are proposed for commercial development of 99,404, 128,350, and 197,072 square feet each; and 2 parcels are proposed for use as recreation and open space at 39,675 square feet and 8.28 acres each. The proposal also includes the development of 89 commercial and residential buildings totaling 420,052 square feet in size including: 2 commercial retail buildings totaling 30,000 square feet, 5 mixed-use buildings totaling 23,500 square feet of commercial space and 62,000 square feet of residential space, 8 live/work buildings totaling 10,044 square feet of commercial space and 42,138 square feet of residential space, 13 mini-storage buildings totaling 67,600 square feet of storage space and 5,000 square feet of office space, 2 drive-through restaurants totaling 7,200 square feet, 1 sit-down restaurant at 7,000 square feet, 55 single-family residential buildings totaling 113,188 square feet, and 11 multi-family residential buildings totaling 52,382 square feet. The project includes off-site road improvements to both Main Street and Ramada Drive and will create 5 on-site roads. The proposed project is within the Commercial Retail land use category and is located on the east side of Ramada Drive approximately 550 feet north of the intersection with North Main Street and the Highway 101 on-ramp in the community of Templeton. The site is in the Salinas River planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Mitigation measures identified for: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards/Hazardous Materials, Noise, Public Services/Utilities, Recreation, and Transportation/Circulation County File Number: SUB2004-00001. APN: 040-211-009. Supervisorial District: 1. Date accepted: June 17, 2005.</p>

Josh LeBombard, staff	States staff received a "Request for Review" of the Mitigated Negative Declaration for this project from a group call the Citizens Concerned for Templeton's Future. In addition, other comments regarding the environmental determination warrant further review by the Planning Department. Staff would request time to adequately address the comments.
MOTION	Thereafter on motion by Commissioner Gibson, seconded by Commissioner Mehlschau, and unanimously carried, the Commission continues this hearing to December 8, 2005.
4. RON CHAPPELL / SUB2004-00113 / TRACT 2645	This being the time set for a continued hearing to consider a request by RON CHAPPELL for a Vesting Tentative Tract Map (Tract 2645) to subdivide an existing 34.31-acre parcel into six parcels ranging in size from five to nine acres each for the purpose of sale and/or development. The division will create one on-site access road and includes improvements to Albert Way. Proposed tract improvements would result in the disturbance of approximately 1.17 acres. The proposed project is within the Residential Rural land use category and is located on the northeast corner of Willow Road and Albert Way (at 1730 Willow Road), west of the community of Nipomo, in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. Mitigation measures are proposed to address Aesthetics, Agricultural Resources, Biological Resources, Geology and Soils, Noise, Public Services/Utilities, Recreation, Transportation/Circulation, Wastewater, and Water. County File No. SUB2004-00113 / TRACT 2645. APN: 091-181-033. Supervisorial District #4. Date accepted: December 3, 2004.
Brian Pedrotti, staff	Presents staff report and shows overhead of the project. States staff recommends denial of this project.
Commissioner Rappa	Discusses letter received from Belsher and Becker regarding finding A that it is only applicable to property zoned as agriculture and this property is zoned Residential Rural with Kami Griffin responding that the planning commissions direction to staff was to use the Ag and Open Space element as one of the findings to deny this project.
Steve Babcock, SB Planning	Presents a brief history of project. He states that the soils are class 4 and very sandy and has drainage problems. He requests the planning commission reverse the original discussion for denial and approve this project with original staff recommendations.
Dianna Schreffler	States she is in favor of project because there is a need for more houses in the area and feels 5-acre lots would be nice.
Michael Isensee, Agriculture Department	Clarifies soil classification 4 as sandy and has a lack of water holding capacity.
Commissioner Mehlschau	Requests what an acre of water usage is when growing strawberries as opposed to an acre of water usage for a greenhouse would be. Discusses water in acre-feet.
Ron Chappell, applicant	Thanks the Planning Commission for reconsidering this project. Discusses percolation of water, and terrain of property.

Steve Babcock	States the property is not suitable for agriculture use due to runoff.
MOTION	<p>Matter is discussed and thereafter, on motion of Commissioner Christie, and seconded by Commissioner Gibson to adopt the revised findings to deny this project fails on the following roll call:</p> <p>AYES: Commissioners Christie, and Gibson</p> <p>NOES: Commissioners Mehlschau, Rappa, and Chairman Roos</p>
MOTION	<p>Thereafter on motion by Commissioner Mehlschau, seconded by Commissioner Rappa, and carried, with Commissioner Gibson and Commissioner Christie voting no, RESOLUTION NO. 2005-051 granting Vesting Tentative Tract Map 2645 to RON CHAPPELL, for the above mentioned project, based on the Findings in Exhibit A, and subject to the Conditions in Exhibit B with the following revisions: <u>Condition 9</u> to read: <i>"Electric and telephone lines shall be installed underground";</i> <u>Conditions 26 b. and 27 b.</u> to read <i>"An agricultural buffer area along the western property boundary of approximately 325 feet, or 400 feet from the existing greenhouse operation and a buffer of approximately 325 feet, or 350 feet from the orchards to the north, as shown on Exhibit C. No structures used for human habitation shall be permitted in the buffer area. At the time of application for construction permits, the applicant shall clearly delineate the agricultural buffer on the project plans. The agricultural buffer can be reconsidered at a time that future development on adjoining parcels precludes agricultural activities that would otherwise warrant an agricultural buffer"</i>.</p>
Discussion	Commissioner Rappa states she cannot make findings for denial of this project.
5. GEORGE NEWMAN, LAND DEVELOPMENT, LLC / SUB2003-00314 / TRACT 2652	<p>This being the time set for a continued hearing to consider a proposal by GEORGE NEWMAN, LAND DEVELOPMENT, LLC for a Tentative Tract Map / Conditional Use Permit to subdivide five parcels totalling 19.1 acres into 24 lots ranging from 0.2 to 5.0 acres each for the purpose of development. The applicant proposes to construct a mixed use development including: a three-story, 112-unit, 97,600-square foot assisted living/memory support facility; a 16,000-square foot themed restaurant and conference facility; and, 130,000 square feet of retail, office, and professional buildings. The project includes a waiver of the maximum building height of 45 feet to allow a tower element to a maximum height of 55 feet. The proposed project is located on the southeastern side of Juniper Street, approximately 90 feet west of the North Frontage Road, in the community of Nipomo. The site is in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Noise, Public Services/Utilities, Recreation, Transportation/Circulation, and Water, and are included as conditions of approval. County File Number: SUB2003-00314 / TRACT 2652. APN: 092-572-015, -016, -017, -025, and -045. Supervisorial District: 4. Date Accepted: January 12, 2005.</p>
Brian Pedrotti, staff	Presents staff report and shows overhead of the project.
Commissioner Mehlschau	Questions Page 5-3 and requests the phases be clarified by time and effect. Questions buffer from existing mobile home park with staff responding.
Chairman Roos	Discusses Page 5-13 and questions why Parks Division is included with staff

	responding.
John Nall, staff	States this will be through the process of condition compliance.
Commissioner Gibson	Discusses land use permit, different commercial enterprises. Discusses Page 5-13, Condition J regarding shading.
John Nall, staff	States staff can come back with mitigations, and can go through the conditions that apply.
Chairman Roos	Requests clarification on Page 5-15 as related to the Negative Declaration, with staff responding. Discusses Page 5-86 & 87.
Dave Flynn, Public Works	States Public Works is assessing multiple projects in the area to determine when the breaking point will be.
Chairman Roos, Dave Flynn, and Commissioners	Discusses the Tefft Street interchange regarding the frontage road, road impact program, consistency with the general plan, difficulty timing improvements, traffic impact study of Tefft Street interchange requested by Cal Trans.
Commissioner Rappa	Discusses the extension of Mary Road to Hill Street to bypass with Public Works responding.
Chuck Stevenson, staff	States his agreement with Commissioner Gibson that this project will add traffic and refers to previous project regarding a senior care facility as not having traffic mitigation issues. Discusses trade offs making this project attractive.
Commissioner Mehlschau	Requests clarification on when the road fees for this project will be paid with staff responding.
Dave Flynn, Public Works	States fees are paid at the time the building permit is pulled, and fees will be kept the same throughout the building process.
John Nall, staff	States our department is contemplating getting fees paid for before the building permit is issued.
Jim Orton, County Counsel	Discusses ordinance requirements. Applicant can voluntarily agree through a written agreement approved by the Board of Supervisors for fee determination.
Commissioner Christie	Discusses Page 5-5 Nipomo Area Standard regarding sewers, Page 5-15 Oak tree removal fee cost, would like to have the trees remain and have project built around them.
George Newman, applicant	Comments on the traffic situation. Discusses area 1 and area 2 budgets, traffic impact fees, requirement to widen roads, costs associated with getting approval for project, imposition of financial hardship, and time line of build out of proposed 250,000 square feet is approximately 7 years. Requests approval of project. Discusses the development of the infrastructure being the most significant at this point in time.
Commissioner Mehlschau	Requests a timetable of the different phases being built with Mr. Newman responding.
Chairman Roos	Would like clarification on drainage for the project with Mr. Newman responding.
Chuck Stevenson, staff	Clarifies for Commissioner Christie the CEQA review, and drainage, which is associated to the current development. Discusses traffic analysis, and shared commonality with another project.
Tom Courtney, Courtney Architect	States he is available for any questions regarding the architecture.

Chris Diesta, and Tom Courtney, Courtney Architects	Address sound walls, describe details, and identifies where walls are located, and roofing material that will be used.
George Newman, developer	Discusses park, and mobile homes in area.
Commissioner Gibson	Would like to see conditions, which will look at different milestones during the project.
Commissioners	Discuss financial impacts to project and how this effects their determination of this project's approval, continuance, or denial
	Meeting back to order after evacuation drill
Commissioner Christie	References Page 6-65 and compares it to the current project in regards to finances.
Chairman Roos	Discusses findings for tract.
Jim Orton, County Counsel	Discusses the map being a regular tentative tract map and the word "Vesting" should be removed.
Chairman Roos	Discusses Tract Map findings and conditions, with Condition 25 deleted, Condition 26g, and 27j, in 5 th line replace "Parks Division" with "Applicant", change to Condition 26p on page 5-15, condition 26 k on page 5-14 and page 5-19, condition 27n and page 5-26 condition 17; page 5-20 condition 27s; page 5-22 findings for tract map 2652 re-letter and add a new finding l.
John Nall, staff	Discusses any discovery of artifacts are being sufficiently covered in the conditions
Commissioner Christie	Refers to page 5-51 regarding fees and no mitigation measures are required. States her concerns with going forward with project without sufficient findings to approve the Negative Declaration. Suggests an E.I.R. or at the least have a traffic study done.
Commissioner Mehlschau	Clarifies the studies requested by Commissioner Christie have been made two years prior.
Jim Orton, County Council	Clarifies traffic mitigation ordinance.
Motion	Matter is fully discussed and thereafter, on motion of Commissioner Mehlschau, seconded by Commissioner Rappa, and carried with Commissioner Gibson and Commissioner Christie voting no, to adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq., and RESOLUTION 2005-052, to grant a Tentative Tract Map 2652 to GEORGE NEWMAN, LAND DEVELOPMENT, LLC, based on findings listed in Exhibit A, and based on the conditions listed in Exhibit B, with <u>Condition 25</u> deleted; <u>Condition 26g</u> in 5th line replace "Park Division" with "applicant"; <u>Condition 26k</u> amended to read: "<i>Prior to and issuance of grading and construction permits, the following measures shall be shown on an additional map sheet, to be implemented during operation of the proposed project, where feasible</i>"; <u>Condition 27j</u> in 5th line replace "Park Division" with "applicant": Condition 27n amended to read:

	<p><i>“Prior to and issuance of grading and construction permits, the following measures shall be shown on an additional map sheet, to be implemented during operation of the proposed project, where feasible”, and RESOLUTION 2005-053 to grant a Conditional Use Permit to GEORGE NEWMAN, LAND DEVELOPMENT, LLC, based on the finding list in Exhibit C with findings re-lettered and a new Findings I added to read: “The modified height of 55 feet will not exceed the lifesaving equipment capabilities of the California Department of Forestry, because 1) the proposed tower is appropriately incorporated into the project and will enhance the architectural design of the structures; 2) the design of the buildings includes multiple building levels that allow for roof and tower access and all portions of structures can be reached with 16-feet of vertical reach”, and based on the conditions listed in Exhibit D with Condition 13 amended in 5th line replace “Park Division” with “applicant”; Condition 17 amended to read: “Prior to issuance of grading and construction permits, the following measures shall be shown on an additional map sheet, to be implemented during operation of the proposed project, where feasible”, adopted.</i></p>
#6	<p>Hearing to consider a proposal by the JAMES AND DELORES GILDER TRUST for a Vesting Tentative Tract Map (Tract 2524) to allow for the subdivision of a 40-acre site into eight five-acre parcels for sale and the development of residences. The project is in the Residential Rural land use category and is located on the east side of Albert Way, approximately 1,320 feet south of Willow Road, adjacent to the north side of the Woodlands Village Area, in the South County (Inland) planning area. Also to be considered at the hearing will be approval of the Environmental Document prepared for the item pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq. Mitigation measures are proposed to address agricultural resources, air quality, biological resources, noise and water supply. County File No: S030109T / TRACT 2524. APN's: 091-201-054 and -055. Supervisorial District 4.</p>
James Lopes, staff	Presents staff report. Provides Planning Commissioners with additions and revisions to proposed conditions
Chairman Roos	Discusses Page 6-11, agriculture buffer
Linda Auchinachi, Ag. Dept.	Discusses language regarding agriculture buffer and reads changes to condition 28b(4) into the record on Page 6-11.
Jim Orton, County Counsel	Makes suggestion for language regarding agriculture buffer. Suggests a change to Condition 22, 23 and 24 on Page 6-9.
Commissioner Gibson	Discusses the open space easement in terms of the Monarch Butterfly.
Jim Orton, County Counsel	Discusses restrictions regarding easements for Monarch Butterfly, and conservation easements.
Commissioners	Discuss enforcement of easements.
Motion	<p>Matter is fully discussed and thereafter, on motion of Commissioner Christie, seconded by Commissioner Mehlschau, and unanimously carried. to adopt the Negative Declaration in accordance with the</p>

	<p>applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. as amended, RESOLUTION 2005-0054, granting Vesting Tentative Map 2524 to JAMES AND DELORES GILDER TRUST, based on Findings in Exhibit A and based on Conditions in Exhibit B with <u>Condition 17</u> amended to read: <i>"The lot area of each lot shall contain a minimum area of 4.5 acres exclusive of area shown for rights of way"</i>; <u>Condition 22</u> amended to read: <i>"An open space easement for the potential Monarch butterfly habitat identified on the Additional Map Sheet, with deed restrictions limiting activity, in a form approved by County Counsel, shall be approved by the biologist and the Department of Planning and Building and then recorded prior to recordation of the Final Map. The easement area shall be identified to be appropriate and adequate as a roosting area; consistent with the biologist's Monarch Butterfly Survey Report dated March, 2005. The area shall be proposed as permanent open space, with deed restrictions limiting types of activity that shall be approved by the biologist"</i>; <u>Condition 23</u> amended to read: <i>"It is to be conveyed to the county at the time of recordation of the map. The easement is to be maintained as open space in perpetuity with allowances for fencing, driveways and small non-habitable structures as approved by the biologist"</i>; <u>Condition 24</u> amended to read: <i>"A open space easement in a form approved by County Counsel, to be in perpetuity, shall be recorded for the tree retention setback extending 40 feet east of the Albert Way property line, prior to recordation of the Final Map. Replacement of diseased, dying, or dead Eucalyptus trees shall be required within the easement. Native trees as required by the Land Use Ordinance Section 22.112.040.G.1.e shall be planted within the setback area, at a minimum 15-gallon size. Other evergreen trees similar to Eucalyptus, such as Tristania conferta – Brisbane box, may be allowed instead of the existing species when replacements occur. The permanent use of this lighting buffer shall be described on the Additional Map Sheet and the easement is to be exclusively for trees, landscaping and fencing"</i>, adopted.</p>
Item 7	<p>Continued hearing to consider a request by the ANDERSON FAMILY TRUST for a Vesting Tentative Tract Map to subdivide an existing 4.32-acre parcel into six parcels of 0.49, 0.51, 0.58, 0.59, 1.03, and 1.08 acres each for the purpose of sale and/or development. The project includes off-site road improvements to Cressy Street. The project would result in the disturbance of approximately 3.7 acres of a 4.32-acre parcel. The division will not create any new roads. The proposed project is within the Residential Single Family land use category and is located on the west side of Cressey Street (at 6393 Cressey Street), immediately north of Fourth Street, approximately 350 feet northwest of Highway 229 in the community of Creston, within the El Pomar planning area. County File Number: SUB2003-00307 / TRACT 2598. APN: 043-071-001. Supervisorial District: 1. Date Accepted: July 22, 2004.</p>
John Nall, staff	<p>States this application has been revised to four parcels and will now go to the subdivision review board.</p>
Motion	<p>On motion by Commissioner Rappa, and seconded by Commissioner Mehlschau, and unanimously carried, the Commission receives all documents presented today for the record.</p>
Motion	<p>On motion of Commissioner Gibson. seconded by Commissioner Ranna</p>

	and unanimously carried, to continue to October 26, 2005 at 8:45 a.m.

There being no further business, the meeting is adjourned.

Respectfully submitted,

Ramona Hedges, Secretary Pro Tem
County Planning Commission